

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: April 27, 2005
)	
Rosenia D. Bailey)	DOCKET NO.: 04F-260
Assistant Director)	
Office of Risk Management)	
Office of the City Administrator)	
3404 Bitterwood Place, #I-101)	
Laurel, Maryland 20724)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Rosenia D. Bailey, Assistant Director, Office of Risk Management, Office of the City Administrator, failed to timely file, a Financial Disclosure Statement for calendar year 2003, on or before May 15, 2004 as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 21, 2004.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated January 18, 2005 and February 2, 2005, OCF ordered Rosenia D. Bailey (hereinafter respondent), to appear at scheduled hearings on January 28, 2005 and February 14, 2005 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2003, on or before June 21, 2004.

On February 14, 2005, the respondent appeared at the rescheduled hearing and testified that she received OCF's notices to file, but she was confused because during the previous year her initial filing was executed at the office as a part of a group package of

IN THE MATTER OF: Rosenia D. Bailey
Page 2

Senior Management Team members. Respondent stated that when she received OCF's notices to file at her home, she did not make the connection that the report was due again, and that she should file the report on an individual basis. Respondent addressed the oversight and filed a fully executed Financial Disclosure Statement with OCF on July 12, 2004.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent is a member of the Management Supervisory Service.
2. Respondent timely filed the Financial Disclosure Statement for calendar year 2002 on April 9, 2003.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2003, on or before June 21, 2004.
4. Respondent filed the Financial Disclosure Statement on July 12, 2004.
5. Respondent has no history of prior delinquencies with OCF.
6. Respondent provided a credible explanation for the filing delinquency because she was confused concerning the receipt of OCF notices to file addressed to her home address, as opposed to her office.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$650.00 for failing to timely file a Financial Disclosure Statement.

IN THE MATTER OF: Rosenia D. Bailey
Page 3

4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, in that she was confused by the receipt of OCF notices at her home, coupled with a favorable filing history, constitute good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order, by regular mail, on respondent on April 27, 2005.

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.